

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

DEALER COMPUTER SERVICES, INC., §  
§  
Plaintiff, §  
§  
VS. § CIVIL ACTION NO. H-08-3010  
§  
RITTENHOUSE-KERR LINCOLN §  
MERCURY, INC., §  
§  
Defendant. §

**ORDER**

Service of this action, filed on October 8, 2008, has not been effected. Federal Rule of Civil Procedure 4(m) provides in part:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

In accordance with this rule, it is ORDERED that plaintiff file proof that it has effected service no later than **February 17, 2009**. Failure to do so may lead to dismissal of this action without prejudice. The initial pretrial and scheduling conference set for January 30, 2009 is cancelled and will be reset, if appropriate, after proof of service is filed.

SIGNED on January 12, 2009, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge